

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. WRU-04-40-272
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ORDER GRANTING WAIVER AND REQUEST FOR CONFIDENTIALITY

(Issued September 9, 2004)

On August 31, 2004, Qwest Corporation (Qwest) filed a request for a waiver of the number utilization threshold requirements for the Des Moines, Iowa, rate center. The requirements are outlined in various orders of the Federal Communications Commission (FCC) relating to optimization of telephone numbering resources.

Qwest states it received a request from a corporate customer for 5,000 consecutive direct inward dialing (DID) numbers in the Des Moines rate center. Qwest states that it does not have the sequential numbers to fulfill the customer's request without a new block of 10,000 numbers, sometimes referred to as a new NXX. On July 23, 2004, Qwest submitted a request for a new NXX to NeuStar, Inc. (NeuStar), the North American Numbering Plan Administrator (NANPA), but that request was denied because Qwest does not meet the "months-to-exhaust" threshold for the Des Moines rate center.

The FCC has given states the authority to overturn NANPA's decision to withhold numbering resources from a carrier based on the state's determination that

the carrier has demonstrated a verifiable need for numbering resources and has exhausted all available remedies. (See 47 C.F.R. § 52.15(g)(4).) In addition, the FCC states that carriers may demonstrate the need for additional numbering resources by providing the state with documentation of a customer request and current proof of utilization in the rate center. (FCC 01-362, ¶ 64). The FCC is careful to point out, however, that states may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. (Id.) Therefore, a statement by the carrier regarding the types of numbers being requested is necessary.

The information filed by Qwest in support of its request satisfies the requirements specified in the FCC's orders delegating waiver authority to the Board. Qwest has provided documentation of its customer's request for 5,000 consecutive DID numbers as well as statements regarding number utilization in the Des Moines rate center. Qwest also states that its customer is not requesting a block of vanity numbers.

Also on August 31, 2004, Qwest filed a request for confidential treatment of cost support information submitted in support of its waiver request. Qwest supports its request for confidentiality with an affidavit by a corporate officer, stating that the information constitutes confidential trade secrets under Iowa Code § 550.2(4) and also constitutes a report to a government agency within the meaning of Iowa Code § 22.7(6). The materials were sealed in a separate envelope and marked

confidential. Qwest cites Iowa Code §§ 22.7(3) and 22.7(6) as authority for confidential treatment of the information.

The Board finds that the application and affidavit support a finding that the cost information constitute a trade secret under Iowa Code § 550.2(4) as it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by a person able to obtain economic value from its disclosure, and it is the subject of reasonable efforts to maintain its secrecy. The Board finds that this information, if released, would provide an advantage to Qwest competitors.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets which are recognized and protected as such by law. The material submitted by Qwest includes cost support material and supporting data. The supporting affidavit by Max A. Phillips, Qwest President—Iowa, states that the information is unpublished data not known outside of Qwest and is in fact restricted to certain Qwest employees.

Iowa Code § 22.7(6) provides confidential treatment for public records that are reports to government agencies and which, if released, would give advantage to competitors and would serve no public purpose. The Board finds the submitted information constitutes a report to a government agency and the Board finds that the release of the information would serve no public purpose. Therefore, the Board will hold the information confidential under the provisions of Iowa Code §§ 22.7(3) and 22.7(6) as requested by Qwest on August 31, 2004.

IT IS THEREFORE ORDERED:

1. The request for waiver of the FCC's utilization threshold requirements filed by Qwest Corporation on August 31, 2004, is granted as discussed in the body of this order.
2. The Executive Secretary of the Utilities Board shall mail a copy of this order to NeuStar, Inc., 1800 Sutter Street, Suite 780, Concord, CA 94520, to the attention of Ms. Tara Farquhar, Iowa Number Pooling Administrator.
3. The request for confidentiality filed by Qwest Corporation on August 31, 2004, is granted pursuant to Iowa Code §§ 22.7(3) and 22.7(6).
4. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 9th day of September, 2004.